

BEFORE THE  
SURFACE TRANSPORTATION BOARD



Ex Parte No. 646 (Sub-No. 1)

SIMPLIFIED STANDARDS FOR RAIL RATE CASES

**Motion for Extension of Time**

217511

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AMERICAN CHEMISTRY COUNCIL  
1300 Wilson Blvd.  
Arlington, VA 22209

Dated: September 8, 2006

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Public Record

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The American Chemistry Council, the Fertilizer Institute, the National Grain and Feed Association, and The National Industrial Transportation League (“Interested Parties”) respectfully request the Board to extend the due date for the submission of Opening Comments in this proceeding from September 29, 2006 to October 24, 2006, with similar extensions for Reply and Rebuttal Comments. In support of this request, these Interested Parties state as follows:

1. On July 28, 2006, the Board issued a proposal in this proceeding, setting out new proposed standards and methods for determining the reasonableness of challenged rail rates “in those cases in which a full stand alone cost presentation is too costly, given the value of the case.” 49 U.S.C. 10701(d)(3). The Board’s proposal encompasses: (1) a new “simplified” Stand-Alone Cost procedure for use in what the Board terms “medium-sized rate disputes”; (2) a substantially revised “Three-Benchmark” method for “small rate disputes”; and, (3) a series of “eligibility presumptions” based on the “maximum value of the case,” to distinguish between large (full Stand-Alone), medium-sized, and small rail rate disputes. The Board’s proposal also

encompasses a variety of procedural devices intended to facilitate the processing of small and medium-sized rate cases.

2. The Board's Proposal is long (64-pages), new and extremely complex. The Interested Parties believe that they need more time in which to analyze the Board's proposal to provide appropriate comments. The short extension of time will permit experts being retained to obtain needed data from the Board and from other sources, and to analyze that data in light of the Board's proposals. Moreover, these Interested Parties and others are attempting to coordinate a presentation to the Board, and more time will be necessary to develop a coordinated position.

3. Finally, these Interested Parties will also be participating in the Board's proceeding in Ex Parte 661, *Rail Fuel Surcharges*. Comments in that proceeding are due on September 25, or just four days before comments are due in this proceeding, and it will be extremely difficult to develop thoughtful positions in both, given the closeness of the current due dates.

For all of the above reasons, these Interested Parties request a short delay in the due date for Opening Comments from September 29, 2006 to October 24, 2006, and a similar delay in the due date for reply and rebuttal submissions, namely from October 30, 2006 to November 22 for Reply Comments and from December 1 to December 21 for Rebuttal Comments. (The dates for reply and rebuttal comments have been chosen to avoid filings during or just after the Thanksgiving and Christmas holidays).

Respectfully submitted,

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Dated: September 8, 2006

Certificate of Service

I hereby certify that I have, on this 8<sup>th</sup> day of September 2006, served a copy of the foregoing on all parties of record, in accordance with the Board's Rules of Practice.

